

## Particular issues in criminal justice responses

The following questions are based on the content of chapters in the consultation paper.

### Chapter 3: Issues in police responses

☐ Should all police who may come into contact with victims or survivors be trained to have a basic understanding of complex trauma? **It is imperative that knowledge of the stress associated with sexual abuse and the reporting of it to complete stranger can set off an emotional roll-a-coaster for the victim. Police officers must be aware of this.**

☐ Should police do more to encourage victims and survivors to report their abuse? Should police provide more information to make clear that victims and survivors can withdraw at any stage in the process? Should police provide more options for reporting, including by telephone and online? What options might work best for Aboriginal and Torres Strait Islander victims and survivors? What options might work best for prisoners or survivors with criminal records? **The reporting of sexual abuse to anyone is a traumatic experience. A telephone report or even an online report may be helpful for the victim to make an initial and anonymous complaint. The Police must ensure that the victim is aware that they may withdraw the complaint and if later they may activate the complaint again. A victim with a criminal record or of Aboriginal descent is still a victim and their statement must be taken seriously.**

☐ Is it important to victims and survivors that police maintain regular communication with them to keep them informed of the status of their report and any investigation? Is it important to victims and survivors that, as much as possible, the same police investigate their report so that they can talk to the same police over time? **I believe it to be imperative that that the original police officer who took the report maintain their interest in the case. But, the victim may have the right to request another officer to handle the case if there conflict with the original officer. I also believe that a female officer is better mentally to handle the original enquires.**

### Chapter 4: Police responses and institutions

☐ If you reported abuse to the institution or to a support service, would you want them to pass your report onto police? Would you want them to ask for your consent before they gave police your name and contact details? If the institution or support service was going to give police your name and contact details even if you did not consent, would you still report to the institution or support service? If you were willing to have your report of abuse passed onto police, why would you not make the report yourself directly to police? **From previous experience and from what I have seen and heard since I would NOT report to the institution but go straight to the Police. Either way it is extremely difficult to go to any authority.**

### Chapter 5: Child sexual abuse offences

☐ Should the offence of persistent child sexual abuse be reformed to recognise that victims and survivors who were abused repeatedly and extensively over a period of time may not be able to identify individual occasions of abuse? **Sexual assault victims do NOT keep a diary of the events. Over a period of time hours, days, weeks, months can be an emotional blur. To remember a particular time and day is near impossible.**

☐ Should any remaining limitation periods that prevent charges being brought for child sexual abuse offences be removed? **There must not be any Time limitations on sexual assault.**

### Chapter 6: Third party offences

☐ Should there be offences for failing to report child sexual abuse? Should there be offences where senior people in an institution fail to intervene to protect a child from sexual abuse? Should there be offences where the institution itself (rather than its management or other staff) are prosecuted for failing to

protect children from sexual abuse? **Failing to report sexual abuse by senior staff should be treated as a very serious crime. The staff who knew of the offences and the institution should face the full force of the law.**

#### **Chapter 7: Issues in prosecution responses**

☒ Should all prosecution staff who may come into contact with victims or survivors be trained to have a basic understanding of complex trauma? **The training of prosecution staff in these matters is imperative otherwise how are they to understand what emotional issues the victims are having.**

☒ Is it important to victims and survivors that, as much as possible, the same prosecution staff stay involved in the prosecution so that they can deal with the same people over time? **There is nothing worse than having a victim repeat their experiences over and over again. The original prosecutor should be the person to follow the procedure to the end.**

☒ Are witness assistance services important in keeping victims and families informed and putting them in contact with support services? Should there be more specialist services, including for Aboriginal and Torres Strait Islander victims and survivors, and for victims who are still children? **?**

☒ Should there be a right to complain or seek a review of the prosecutor's decision to discontinue a prosecution or to withdraw charges? What about for accepting a guilty plea to lesser charges? **The legal system moves in mysterious ways and may use their influences to get a quick or maybe an unfair outcome. The victim should be allowed some time to mull over and decision of Prosecutors.**

#### **Chapter 9: Evidence of victims and survivors**

☒ Would it help victims and survivors to give evidence if their evidence could be prerecorded earlier, even before the trial starts, so that they do not have to attend the trial? Would this help survivors who are adults at the time of the trial? **Anything that may help the victim to handle the stress of a court case and giving evidence in a crowded court room is good. Remember, the court case is for the victim to receive justice.**

☒ Should there be intermediaries available, particularly for children and people with a disability that affects communication, to help communication between the victim or survivor (on the one hand) and the court and lawyers (on the other hand)? **What a Bloody good idea.**

☒ Would it help to set 'ground rules' for how a victim or survivor should be questioned before they are cross-examined to try to ensure that questions are asked in a way that is not confusing, so that they can give their best evidence? **The Legal system can be very intimidating and the use of legal jargon can be confusing. Yes, questions should be asked so as the average (or below average) person can understand**

#### **Chapter 10: Tendency and coincidence evidence and joint trials**

☒ Should it be easier to have joint trials so that all allegations against a particular accused can be heard and determined in the one trial? **?**

#### **Chapter 12: Sentencing**

☒ Should convicted offenders be prevented from raising their 'good character' to seek a reduced sentence if their good character helped them to commit the offences? For example, their reputation might have helped them to keep their job working with children, or might have helped parents to trust them to look after their children. **Unfortunately most offenders have used their position of good citizen as to make it easier to commit the offence. Such as the religious minister,**

the teacher, the coach, the scout master. They do not have a good character any more.

☐ Should convicted offenders be sentenced according to sentencing standards at the time they are sentenced, rather than the standards that applied at the time they committed the offence? **This is a very complicated matter so I don't have an answer for this.**

### **Chapter 13: Appeals**

☐ Should a victim or survivor's evidence in a trial be recorded so that they do not have to give evidence again if there needs to be a retrial? **The evidence may be recorded but it would be up to the victim and prosecutor as to whether to use it or not.**

### **General**

☐ Are there other improvements you would like to see in the criminal justice response to institutional child sexual abuse – including police, prosecutions and trials? **Even today there are Police who do not understand the trauma a victim may go through Especially if the victim is now a person of senior years. The Police ignorance may be humiliating to the victim so I would like each precinct to have Child Sexual Liason officer to handle complaints.**

**I believe child sexual assault trials should be held in a closed court room and the names of all involved to be kept secret.**